

Wiltshire Council

Standards Dispensation Sub-Committee

8 March 2023

Consideration of Dispensation Requests

Purpose of Report

1. To ask the Dispensation Sub-Committee to determine requests by Councillors Phil Alford, Jack Oatley and Jon Hubbard for dispensations for any matter at Melksham Area Board directly relating to or affecting the finances or wellbeing of Melksham Town Council, whilst they continue to be Members of Wiltshire Council (“Members”).
2. To ask the Dispensation Sub-Committee to determine requests by Councillors Edward Kirk, Jo Trigg and David Vigar for dispensations for any matter at Trowbridge Area Board directly relating to or affecting the finances or wellbeing of Trowbridge Town Council, whilst they continue to be Members of Wiltshire Council (“Members”).
3. To ask the Dispensation Sub-Committee to determine requests received from any other elected Members prior to the meeting on 8 March 2023.

Background

4. Under section 33 of the Localism Act 2011 the council may grant a dispensation to allow a Member to participate in discussions and vote where that councillor has a disclosable pecuniary interest in the business concerned. It is a criminal offence if at any meeting of the Council a Member participates in any discussion or votes on a matter in which they have a disclosable pecuniary interest and have not been granted a dispensation.
5. Following adoption of a revised Code of Conduct on 18 October 2022, the Council's Code of Conduct sets out guidance relating to Disclosable Pecuniary Interests (DPI), Other Registerable Interests (ORI), and Non-Registerable Interests (NRI). This adopted elements of a model code published by the Local Government Association in 2020.
6. As a result, the process of dispensations for DPIs would also be applied to ORIs and NRIs. The Code also requires those with a DPI, ORI, or NRI, to leave the room for discussion or vote on a matter, other than when speaking as a member of the public or other capacity in the case of an ORI or NRI.
7. The Council has delegated the function of determining dispensation requests to the Dispensation Sub-Committee of the Standards Committee.

Main Considerations

8. A dispensation may be granted to a Member who has a DPI, ORI or NRI, where the council:
 - a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

- b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,
 - c) considers that granting the dispensation is in the interests of persons living in the authority's area,
 - d) considers that without the dispensation each member of the authority's executive would be prohibited from participating in any particular business to be transacted by the authority's executive, or,
 - e) considers that it is otherwise appropriate to grant a dispensation.
9. A dispensation may be granted for one or more meetings of the council, or for a period not exceeding four years. The dispensation must specify the period for which it has effect.
10. A dispensation request must be submitted in writing for attention of the Proper Officer. Requests for dispensation in relation to Melksham Area Board were received from Councillors Alford and Oatley on 27 February 2023, and from Councillor Hubbard on 1 March 2023.
11. Requests for dispensation in relation to Trowbridge Area Board were received from Councillors Kirk and Trigg on 1 March 2023, and from Councillor Hubbard on 28 February 2023.
12. As the nature of the requests and reasoning is broadly the same for each Member of the respective boards, this report considers all the requests together.
13. The requests relating to the Melksham Area Board Members are set out at Appendices A, B and C to this report. They relate to each Member having an Other Registerable Interest by virtue of being Members of Melksham Town Council, which would require them to leave the room for a vote which directly relates to the finances or wellbeing of that council.
14. The requests relating to the Trowbridge Area Board Members are set out at Appendices D, E and F to this report. They relate to each Member having an Other Registerable Interest by virtue of being Members of Trowbridge Town Council, which would require them to leave the room for a vote which directly relates to the finances or wellbeing of that council.
15. The requests from the Members are made variously under section a) and c) of Paragraph 6 above. That is, that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, and it is in the interests of persons' living in the area.
16. However, the Sub-Committee may grant a dispensation under other sections if it considers it appropriate to do so.
17. Any of the Members may attend the meeting to assist the Sub-Committee on any points which require clarification.
18. A dispensation may be granted to allow a Member to remain in the room during discussion and voting on an item, or to permit them to participate in that discussion and vote.

Safeguarding Implications

19. There are no safeguarding implications.

Public Health Implications

20. There are no public health implications.

Procurement Implications

21. There are no procurement implications.

Equalities Impact of the Proposal

22. There are no equalities impacts arising directly from this report.

Environmental and Climate Change Considerations

23. There are no environmental or climate change considerations.

Workforce Implications

24. There are no workforce implications

Risk Assessment

25. Not determining this request could have adverse legal, financial and reputational implications for the council.

Financial Implications

26. There are no costs arising directly from this report. If a meeting is unable to transact business, it may impact on the finances of those dependent on a decision of that meeting or body.

Legal Implications

27. The Council is obliged to determine requests for dispensation in accordance with the Localism Act 2011. The Council has chosen to allow dispensations in relation to other categories of interest it has formally adopted. Failure to determine requests could have adverse implications of the council as stated in paragraph 25, and also for the Members concerned.

Options Considered

28. The Sub-Committee may decide to:

- a) Decline the dispensation requests for one or more of the Members;
- b) Grant the dispensation requests for one or more of the Members to allow them to remain in the room during a matter impacting their interest;
- c) Grant the dispensation for one or more of the Members to allow them to remain in the room and vote on a matter impacting their interest.

29. The Sub-Committee will specify the period for which any request is granted. This may not exceed a period of four years.

Proposal

30. The Sub-Committee is therefore asked to determine the requests.

Perry Holmes – Director, Legal and Governance (Monitoring Officer)

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1 March 2023

Appendices

Appendix A – Request from Councillor Phil Alford
Appendix B – Request from Councillor Jack Oatley
Appendix C – Request from Councillor Jon Hubbard
Appendix D – Request from Councillor Edward Kirk
Appendix E – Request from Councillor Jo Trigg
Appendix F – Request from Councillor David Vigar

Background Papers

Code of Conduct